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EPA Region 5 Records Ctr.



371042



Weekly Progress Report

Former Old American Zinc Plant Site – Fairmont City, Illinois

Date: August 7, 2006

Completed by: Pat Thomson, P.G., ENTACT

To: Gary Uphoff, EMS (via e-mail)
Terri Faye, BCCZ (via e-mail)
Ronald Murawski, USEPA (via e-mail)
Doyle Wilson, IEPA (via e-mail)
Tiffany Swoveland Chapman, CH2M Hill (via e-mail)

Cc: Melanie Gotto (via e-mail)
Mike Stoub (via e-mail)
Jeff McCord (via e-mail)

File: 2.1.10

Subject: Period of July 31, 2006 – August 4, 2006

1.0 INTRODUCTION

This report contains information pertaining to implementation of the Remedial Investigation (RI) at the Old American Zinc Plant Site (the "Site") in Fairmont City, Illinois. ENTACT was retained by Blue Tee Corp. (Blue Tee) to implement the RI in accordance with the approved Support Sampling Plan (SSP) as part of the requirements of the Administrative Order by Consent (AOC) between Blue Tee and the United States Environmental Protection Agency (EPA).

A weekly progress report will be distributed every Monday to detail the project status. This weekly report covers the reporting period of July 31, 2006 – August 4, 2006.

2.0 SITE ACTIVITIES COMPLETED THIS REPORTING PERIOD

No field activities were conducted for the week beginning July 31, 2006.

3.0 SITE ACTIVITIES PLANNED FOR NEXT REPORTING PERIOD

No field activities are proposed. ENTACT will return to sample the remaining residential properties and alleyways, if and when, access is obtained. All other sampling has been completed in accordance with the SSP.

ATTACHMENT C

4.0 PROJECT PERSONNEL ON-SITE

None

5.0 HEALTH & SAFETY

N/A

6.0 ADMINISTRATIVE ITEMS PERFORMED OR COMPLETED THIS PERIOD

Data from the field activities is currently being compiled, reviewed and evaluated in preparation for the data review meeting with the U.S. EPA the week of August 28th, 2006.

ENTACT made final attempts this week to obtain access for the twelve outstanding off-Site properties where either no reply for access have been received the property owners, or the property owners could not be identified. Four of these properties, as detailed below, were found to have tax defaulted to the St. Claire County Trustee. Letters requesting access to these properties were sent to the St. Claire Tax Agent, Joseph E. Mayer & Associates on August 1, 2006 via overnight delivery. ENTACT is currently waiting for the signed access agreements from the County who has granted permission to previous requests for other properties.

Two property owners agreed to allow access and included Melissa Ramirez of Maryland Avenue and CSX Transportation (CSX). CSX indicated that a fee of \$1250.00 would be required to perform a Preliminary Engineering Review prior to granting access. ENTACT has made all reasonable and best effort attempts to secure access from the remaining property owners with no success. The status of the off-Site sampling is summarized below:

Residences in Fairmont City and Washington Park	Access Agreement delivered	Permission to sample granted	Soil sampling completed
Residential and Vacant Properties Not Addressed During the 2002 RA:			
Robert McCartney 2323 N. 48 th Street	6/19/06	Denied 7/10/06	
Judy LaRussa 2756 N. 41 st Street	6/19/06	Denied 7/10/06	
Steve & Terry Sauget 4012 Maple Ave.	6/22/06	6/27/06	7/5/06
Julio Carril 4000 Collinsville Rd	6/19/06	7/7/06	7/12/06
Betty Komar 3918 Cookson Rd.	6/19/06	Denied 7/6/06	
Killian Weir 2768 N. 42 nd Street	6/19/06	6/19/06	6/22/06

Residences in Fairmont City and Washington Park	Access Agreement delivered	Permission to sample granted	Soil sampling completed
Joyce Mora 2769 43 rd St., North	Empty lot	Denied 7/12/06	
Formerly Charles Winston, now St. Claire County Trustee 2341 51 st St., North	8/01/06	Awaiting response to access letter sent overnight delivery to County Tax Agent on 08/01/06.	
St. Claire County Trustee 2339 51 st St., North	6/22/06	7/12/06	Overgrown parcel; only able to collect one, 5-point aliquot sample on 7/13/06
Formerly Mary Skleney, now Melissa Ramirez Maryland Ave	8/01/06	Verbal permission to access property received on 08/01/06	To be sampled in September 2006
Michael & Carmen Navarro 2845 44 th St., North	6/22/06	7/12/06	7/13/06
Roberto Rojas 2521 42 nd St., North	Empty lot	7/12/06	7/13/06
Roberto Rojas 42 nd St., North	Empty lot	7/12/06	7/14/06
Abundant Love Fellowship 2539 41 st St., North	Empty lot	7/12/06	7/14/06
Village of Fairmont City 3809 Maple Ave.	Empty lot	Denied 7/12/06	
Formerly Jagdish Ghandi, now St. Claire County Trustee Schurman Ave. (47 th Street	08/01/06	Awaiting response to access letter sent overnight delivery to County Tax Agent on 08/01/06.	
Formerly Doug and Genise Talley, now St. Claire County Trustee 2320 49 th St., North	8/01/06	Awaiting response to access letter sent overnight delivery to County Tax Agent on 08/01/06.	
Formerly Greenmore LLC, now St. Claire County Trustee 4500 Collinsville Rd.	8/01/06	Awaiting response to access letter sent overnight delivery to County Tax Agent on 08/01/06.	
William & Barbara Arnold ^[1] 2817 N. 43 rd St.	7/18/06	Denied in person on 7/18/06	

Residences in Fairmont City and Washington Park	Access Agreement delivered	Permission to sample granted	Soil sampling completed
William & Barbara Arnold 2817 N. 43 rd St.	7/18/06	Denied in person on 7/18/06	
Javier & Christina Alcazar 2810 N. 44 th St.	7/19/06	Attempts to contact property owner by letter and mail were unsuccessful.	
Central IL Public Services Vacant lot at the NW corner of Cookson Rd. and 44 th St.	7/18/06	Attempts to contact property owner by letter and mail were unsuccessful.	
Phillip & Donna Wilhold 3022 N. 48 th St.	7/19/06	7/20/06	Overgrown parcel; only able to collect one, 5-point aliquot sample on 7/20/06
Roque/Navarro [1] Vacant lot off of 43 rd St.	7/19/06 (Roque) 8/1/06 - Navarro	Mr. Roque denied ownership. Request made to Mr. Navarro on 08/1/06.	
Holy Rosary Catholic Church. (Vacant lot at the corner of Cookson Rd. and 43 rd St.)	7/19/06	Attempts to contact property owner by letter and mail were unsuccessful.	
Socorra Rojas Vacant lot off of 42 nd St.	7/20/06	Attempts to contact property owner by letter and phone unsuccessful.	
Juan & Sonia Roman Vacant lot at the corner of 39 th St. and Locust	7/19/06	7/19/06	7/20/06
CSX 3800 Roselake Road (Vacant lot off of Locust)	7/19/06	Requested Right of Entry Fee and Preliminary Engineer Review Fee of \$1250.00 before allowing access.	
Additional Properties Added East of Site (per June 28, 2006 Addendum to the SSP)			
Jim Matthews 5508 Thomas	6/22/06	6/27/06	6/29/06
Emma Gerlitz 5515 Thomas	6/22/06	6/26/06	6/27/06
Blanca Gonzalez 5432 Maryland	6/22/06	6/26/06	6/30/06
Residences in Fairmont City and Washington	Access Agreement	Permission to sample granted	Soil sampling completed

Park	delivered		
Additional Properties Added East of Site (per June 28, 2006 Addendum to the SSP) cont.			
Reginald Lambert 5500 Maryland	6/22/06	6/28/06	6/29/06
Charlie Brown 5517 Delmar	6/22/06	7/5/06	7/11/06
Charlie Brown 5431 Thomas	6/22/06	7/5/06	7/12/06
James Hart 5528 Delmar	6/22/06	6/26/06	6/28/06
Patsy Petty 5507 Thomas	6/30/06	6/30/06	7/6/06
5425 Kinder	6/22/06	No reply	
5414 Kinder	6/22/06	No reply	
Betty Berning 5524 Kinder	6/22/06	Denied 6/26/06	
Julian Perez 5502 Kinder	6/22/06	Denied 6/27/06	
Jeff Pruitt 5514 Thomas	7/5/06	7/6/06	7/12/06
Jeff Pruitt 5510 Thomas	7/5/06	7/7/06	7/11/06

Note: Two residents previously identified in the delineated area of contamination were found to have been sampled in 2003 as part of the RA. This includes Shirley Smith, 2342 50th Street and Lamberto Otero, 2527 43rd Street.

(1): It has not been verified that Mr. Navarro actually owns this parcel. The property owner listed with County records, Mr. Jose Roque, denied ownership via telephone on July 20, 2006. Mr. Navarro was linked to Mr. Roque for another property and was therefore contacted for the above-listed parcel.

ENTACT OUTGOING CORRESPONDENCE THIS PERIOD

LETTER ID	DATE	SUBMITTED TO	SUBJECT MATTER
LTR-C1727-01	6/15/06	Property Owners (listed above)	Access Agreement
LTR-C1727-02	6/28/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Additional residential sampling
LTR-C1727-03	6/30/06	R. Sprague, K. Manso	Access Agreement – City Attorney
LTR-C1727-04	7/11/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Revised OAZ SSP Addendum for additional residential sampling

ENTACT OUTGOING TRANSMITTALS THIS PERIOD

TRANSMITTAL ID	DATE	TRANSMITTED TO	DISTRIBUTION SUBJECT MATTER
C1727-01	6/5/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-02	6/12/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report

TRANSMITTAL ID	DATE	TRANSMITTED TO	DISTRIBUTION SUBJECT MATTER
C1727-03	6/19/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-04	6/26/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-05	7/5/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-06	7/10/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-07	7/17/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-08	7/24/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report
C1727-09	7/31/06	G. Uphoff, T. Faye, R. Murawski, D. Wilson	Weekly Progress Report

INCOMING CORRESPONDENCE THIS PERIOD

FROM	DATE	TRANSMITTED TO	DISTRIBUTION SUBJECT MATTER
Ron Murawski	7/12/06	G. Uphoff, T. Faye, P. Thomson	Approval letter for July 11, 2006 Revised SSP Addendum

7.0 SCHEDULED ADMINISTRATIVE ITEMS NOT COMPLETED THIS PERIOD

N/A

8.0 PROPOSED SOLUTIONS TO COMPLETE LATE TASKS

N/A

9.0 PLANNED ADMINISTRATIVE ITEMS FOR NEXT PERIOD

Completion and distribution of the Weekly Progress Report. Submittal of completed data summary tables to USEPA for review upon completion.

10.0 ISSUES OR CONCERNS ARISING THIS PERIOD

Sampling of alleyways as included in the SSP can not be performed due to refusal of access by the Village of Fairmont City. In addition, access agreements have not been returned for ten properties planned to be sampled as part of the SSP. ENTACT has made repeated efforts to contact these individuals with no success.

11.0 RESOLUTION OF ISSUES OR CONCERNS

N/A

12.0 SCHEDULE UPDATE

SCHEDULE MILESTONE	ACTUAL START	PLANNED FINISH	ACTUAL FINISH
Approval of Site SSP and HASP	May 1, 2006		
Mobilization and Site Prep	May 16, 2006	May 28, 2006	May 26, 2006
SCHEDULE MILESTONE	ACTUAL START	PLANNED FINISH	ACTUAL FINISH
Establish Site Grid Controls	May 23, 2006	May 24, 2006	May 26, 2006
Pre-Construction Meeting	May 31, 2006		May 31, 2004
On-Site Soil Boring, Surface and Waste Sampling	May 30, 2006	July 2, 2006	June 23, 2006
Off-Site Soil Sampling (Residences, Vacant Lots and Alleyways)	June 22, 2006	August 4, 2006	June 20, 2004 *
Addition of Off-Site Soil Sampling at 10 Residences East of the Site	June 22, 2006	Added to SSP	July 12, 2006
Sediment and Surface Water	May 30, 2006	July 28, 2006	June 16, 2006
Ecological Sampling	June 25, 2006	July 28, 2006	June 30, 2006
Trenching	June 5, 2006	June 19, 2006	June 11, 2006
Monitoring Well Installation/Development	June 20, 2006	July 17, 2006	June 22, 2006
Groundwater Sampling & Aquifer Testing	June 25, 2006	August 4, 2006	July 7, 2006
End of Field Activities		August 4, 2006	July 21, 2006

* All residential sampling has been completed where access has been obtained. There are ten remaining properties where access forms have not been received and follow-ups visits have been unsuccessful or where addresses of the Owners cannot be traced.

13.0 PROJECT CONTACT INFORMATION

If you have any questions or comments pertaining to this report, please contact:

Melanie Gotto, ENTACT, Field Team Leader
630.873.0529 mobile
mgotto@entact.com

Patricia Thomson, ENTACT, Technical Project Manager
630.986.2900 office
pthomson@entact.com



file copy

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 31 2006

REPLY TO THE ATTENTION OF:

By Overnight Mail

Hon. Alex Bregen, Mayor
Village of Fairmont City, IL
c/o: Robert J. Sprague, Esq.
Sprague and Urban
26 E. Washington Street
Belleville, Illinois 62220

Re: Old American Zinc Plant (OAZ) Superfund Site - Fairmont City, IL - Village Alleyways and Owned Property Parcels Access Issues/Remedial Investigation and Feasibility Study (RI/FS) - Response to August 23, 2006 Letter

Dear Mr. Sprague:

The United States Environmental Protection Agency (USEPA) is in receipt of your responsive letter of August 23, 2006. USEPA appreciates your client's willingness to communicate his concern regarding the potential remediation of the soil in the alleyways of Fairmont City, Illinois. As we discussed in our meeting of June 20, 2006, USEPA must evaluate information, make decisions and take actions that involve the use of federal monies under the Superfund, pursuant to (primarily) the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC Sections 9601 to 9675, and the National Contingency Plan (NCP), 42 CFR Part 300 et al. Under these statutory and regulatory frameworks, USEPA is required to seek access at Superfund Sites, where it is determined to be necessary. Further, USEPA is required to view a conditional right of access (such as described in the proposed 'contract' from your client in your August 23, 2006 letter) as a denial of access. Please note, 40 CFR Section 300.400(d)(4)(i) reads as follows:

If consent is not granted under the authorities described in paragraph (d)(1) of this section, *or if consent is conditioned in any manner*, EPA, or the appropriate federal agency, may issue an order pursuant to section 104(e)(5) of CERCLA directing compliance with the request for access made under § 300.400(d)(1). EPA or the appropriate federal agency may ask the Attorney General to commence a civil action to compel compliance with either a request for access or an order directing compliance.

(emphasis added)

USEPA cannot accept a conditional right of access for the necessary sampling that must occur at the Fairmont City owned/controlled properties portion of the OAZ Site. Therefore, I hope that you will apprise your client of the applicable law.

Your client should also consider the offer that USEPA made at the time of our June 2006 meeting. That is, I can certainly guarantee in this writing that Fairmont City will have ample opportunity for informal and formal input and community participation in the RI/FS process (see, 40 CFR Part 300.430(c)(1)-(4)), as well as at the stage of review of the options in the Proposed Plan for remediation and determination of a final Record of Decision (ROD) (see, 40 CFR Part 300.430(f)(2)-(3)). Fairmont City may make written statements concerning its displeasure over the possibility of a remedy determination that leaves contaminated soil at the currently identified source location of the OAZ Site. These may be sent to USEPA, Superfund Division, Region 5, and will become a part of the formal Site file and will be considered during the RI/FS phase of this Superfund action. Fairmont City may also prepare to issue written statements and make public statements against any possible remedial alternative under consideration that does not dispose of the hazardous waste materials displaced during the Superfund action in a manner that is not consistent with the requirements of Fairmont City. Under the above-cited regulations, USEPA is required to consider this opinion and any alternative remedy option that Fairmont City might suggest, when developing a Proposed Plan and issuing a final ROD.

At this time, I am more than willing to discuss this matter with you. However, I am also required to inform you that USEPA has determined that the OAZ Site represents a serious and real threat to Public Health and the Environment, and that the RI/FS process cannot be delayed for too long a period of time. Therefore, I am enclosing a Superfund CERCLA Section 104(e), 42 USC 9604(e) access agreement that I hope you will counsel your client to sign (or allow you to sign on its behalf) and return to me as swiftly as may be, so that the very important work of protecting the well-being of the citizens of Fairmont City, Illinois and any other potentially affected members of the public will not be needlessly and improperly delayed.

Should your client remain unwilling to sign the access agreement, I will have to recommend to my Superfund Division program client and Regional Counsel management that USEPA go forward with its enforcement against the Village of Fairmont City by issuing an administrative order for access under CERCLA Section 104(e), 42 USC 9604(e) and, if need be, following that up with a referral to the United States Department of Justice for civil prosecution. This will add needless time and expense to all parties involved, and I hope that we can avoid such an outcome.

USEPA requires a response from your client by or before September 18, 2006. At that time, if USEPA still does not have access, I will institute next phase of the abovementioned enforcement plan.

Please feel free to contact either myself or Superfund Remedial Project Manager (RPM) Ron Murawski with any comments or questions. I can be reached at 312/886-6613. Mr. Murawski can be reached at 312/886-2940.

Sincerely,



Tom Turner
USEPA Staff Attorney

Enclosure

cc: R. Murawski, RPM (SR-6J)
Superfund Div.
J. Munoz, CIC (P-19J)
M. Canavan, Congressional Relations Specialist (R-19J)

Doyle Wilson
Illinois EPA
Bureau of Land
P.O. Box 19276
1021 North Grand Avenue East
Springfield, IL 62794-9276

Gary Uphoff
Principal, Environmental Management Services Company
5934 Nicklaus Drive
Fort Collins, CO 80528

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Page : 001
Date & Time: 09-22-2006 04:10pm
Line 1 : 312 886 0747
Machine ID : USEPA Region 5 ORC

Job number : 733
Date : 09-22 04:07pm
To : 916182335374
Number of pages : 007
Start time : 09-22 04:07pm
End time : 09-22 04:10pm
Pages sent : 007
Status : OK

Job number : 733

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REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3580

REPLY TO THE ATTENTION OF:

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF REGIONAL COUNSEL
REGION 5

FACSIMILE TRANSMITTAL FORM

Date: September 22, 2006
Fax Recipient: Robert J. Sprague, Esq., o/b/o: Hon. Alex Blegen
Sprague and Urban Mayor, Fairmont City, IL
Dept./Agency: Sprague and Urban
Fax Number: 618/233-5374
Fax Sender: Tom Turner, Esq.
Dept./Agency: U.S. EPA, Office of Regional Counsel, Region 5
Telephone: 312/886-6613
Fax Number: 312/886-0747
Subject: Old American Zinc Plating Superfund Site Access
Number of Pages: 7 18 pgs
Comments: As per my attached facsimile letter.

Tom Turner
U.S. EPA, ORC, Region 5

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Machine ID : USEPA Region 5 ORC

Job number : 734
Date : 09-22 04:11pm
To : 2916182741430
Number of pages : 007
Start time : 09-22 04:11pm
End time : 09-22 04:13pm
Pages sent : 007
Status : OK

Job number : 734

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF REGIONAL COUNSEL
REGION 5

FACSIMILE TRANSMITTAL FORM

Date: September 22, 2006
Fax Recipient: Robert J. Sprague, Esq., o/e/o: Mayor, Fairmont City, IL
Dept./Agency: Sprague and Urban
Fax Number: 618/233-5374
Fax Sender: Tom Turner, Esq.
Dept./Agency: U.S. EPA, Office of Regional Counsel, Region 5
Telephone: 312/886-6613
Fax Number: 312/886-0747
Subject: Old American Zinc Plant Superfund Site / Access issues
Number of Pages: 7
Comments: As per my attached facsimile letter.

Tom Turner
U.S. EPA, ORC, Region 5

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✓ CC: Village of Fairmont City, IL / Fax no 618/274-1430


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